

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK HOHIDER and ROBERT DIPAOLO,)
On Behalf of Themselves and All Others)
Similarly Situated,)
)
Plaintiffs,) Civil Action No. 04-0363
v.)
)

UNITED PARCEL SERVICE, INC., and)
DOES 1-100,)
)
Defendants.)

PRESTON EUGENE BRANUM,)
On Behalf of Himself and All Others)
Similarly Situated,)

Plaintiffs,)
v.)
)
UNITED PARCEL SERVICE, INC., and)
DOES 1-100,)
)
Defendants.)

JOINT STATUS REPORT

COME NOW Plaintiffs MARK HOHIDER, ROBERT DIPAOLO and PRESTON EUGENE BRANUM (hereinafter "Plaintiffs") and Defendant UNITED PARCEL SERVICE, INC. (hereinafter "Defendant"), and in response to the Court's February 9, 2010 request for a status report in the above-captioned matter, submit this Joint Status Report. As the Court is aware, over the course of the past six months, Plaintiffs and Defendant have worked with Linda Singer, a mediator jointly selected by the parties, to settle and resolve these cases. To date, the parties have (1) agreed to a framework within which to seek to resolve all outstanding issues; (2) begun discussing whether to implement certain additional procedural measures to help promote the effective

administration of the Defendant's ADA policy and practices; (3) scheduled dates in March and April 2010 on which the parties and the mediator will meet in an effort to resolve the claims of the Plaintiffs and certain other individuals whose claims and potential claims the parties have agreed to attempt to resolve in this mediation; (4) agreed that, as part of any settlement reached between the parties, UPS will submit its current policies regarding preservation of potentially relevant information and documents to the Special Master for his review and approval; and (5) selected an arbitrator, Hon. Layn Phillips, and reserved May 25-27, 2010 to arbitrate the issues of attorneys' fees in the event that the parties and the mediator are unable to resolve that issue across the table. Accordingly, Plaintiffs and Defendant remain hopeful that these cases will be resolved in mediation and do not believe that it is necessary for the Court to schedule a scheduling conference at this time.

[Signatures on following page]

Respectfully submitted this 19th day of February, 2010.

s/ Judy Scolnick

Judy Scolnick
SCOTT + SCOTT, LLP
500 Fifth Avenue, 40th Floor
New York, NY 10110
Phone: (212) 223-6444
Fax: (212) 223-6334
Email: jscolnick@scott-scott.com

Anita M. Laing
SCOTT + SCOTT, LLP
600 B Street, Suite 1500
San Diego, CA 92101
Phone: (619) 233-4565
Fax: (619) 233-0508
Email: alaing@scott-scott.com

David R. Scott
Erin Green Comite
SCOTT + SCOTT, LLP
156 South Main Street
Colchester, CT 06415
Phone: (860) 537-5537
Fax: (860) 537-4432
Email: drscott@scott-scott.com
ecomite@scott-scott.com

Walter W. Noss
SCOTT + SCOTT, LLP
12434 Cedar Road, Suite 12
Cleveland Heights, OH 44106
Phone: (216) 229-6088
Fax: (216) 229-6092
Email: wnoss@scott-scott.com

Christian Bagin
WIENAND & BAGIN
First & Market Building
100 First Avenue, Suite 1010
Pittsburgh, PA 15222
Phone: (412) 281-1110
Fax: (412) 281-8481
Email: christian@wienandandbagin.com

ATTORNEYS FOR PLAINTIFFS

s/ R. Steve Ensor

R. Steve Ensor (admitted *pro hac vice*)
steve.ensor@alston.com
Glenn G. Patton (admitted *pro hac vice*)
glenn.patton@alston.com
Charles A. Gartland II (admitted *pro hac vice*)
chuck.gartland@alston.com
ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, GA 30309
Tel. 404-881-7000
Fax. 404-881-7777

David J. McAllister PA ID No. 36729
dmcallister@reedsmit.com
Perry A. Napolitano PA ID No. 56789
pnapolitano@reedsmit.com
Joseph E. Culleton PA ID No. 82823
jculleton@reedsmit.com
REED SMITH LLP
435 Sixth Avenue
Pittsburgh, PA 15219
Tel. 412-288-7216
Fax. 412-288-3063

ATTORNEYS FOR DEFENDANT
UNITED PARCEL SERVICE, INC.